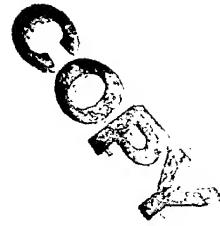


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. VOS-012/107070.113)



Applicant or  
Patentee: OLIVER BRÜSTLE

Serial No. 09/581890

Filed or  
Issued: June 19, 2000

For: NEURAL PRECURSOR CELLS METHOD FOR THE PRODUCTION AND THE USE  
THEREOF IN NEURAL DEFECT THERAPY

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: OLIVER BRÜSTLE  
ADDRESS OF SMALL BUSINESS CONCERN: Lindenweg 17  
D-53340 Meckenheim  
GERMANY

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 121.12 and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**NEURAL PRECURSOR CELLS, METHOD FOR THE PRODUCTION  
AND USE THEREOF IN NEURAL DEFECT THERAPY**

by the inventor, Oliver Brustle, described in

- the specification filed herewith
- Application Serial No. 09/581890, filed June 19, 2000.
- Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

100-48290-10320000  
If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual

Small Business Concern

Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

Name of Person Signing: Oliver Brüstle

Title of Person Other Than Owner: President and Chief Executive Officer

Address of Person Signing: Lindenweg 17, D-53340 Meckenheim, GERMANY

Signature: Oliver Brüstle

Date: Aug. 9 2000

**DECLARATION AND POWER OF ATTORNEY**  
(Attorney Docket No. VOS-012/107070.113)

**COPY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NEURAL PRECURSOR CELLS METHOD FOR THE PRODUCTION  
AND USE THEREOF IN NEURAL DEFECT THERAPY**

the specification of which (check only one):

is attached hereto.

was filed as United States Patent Application  
Serial No. 09/581890  
on June 19, 2000  
and was amended  
on \_\_\_\_\_  
(if applicable)

was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(a)-(d) or 365(b):

COUNTRY (If PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119(a)- (b) or 365(b) (YES/NO)
Germany	197 56 864.5	December 19, 1997	

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: (PENDING OR ABANDONED)
--------------------	----------------	-----------------------------------

I hereby claim the benefit under Title 35, United States Code, § 120 or 365(c) of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120 or 365(c):

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
PCT/DE98/03817	December 18, 1998	

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*18*

Ann-Louise Kerner	Reg. No. <u>33,523</u>
Michael J. Bevilacqua	Reg. No. <u>31,091</u>
James B. Lampert	Reg. No. <u>24,564</u>
Wayne M. Kennard	Reg. No. <u>30,271</u>
Hollie L. Baker	Reg. No. <u>31,321</u>
Wayne A. Keown	Reg. No. <u>33,923</u>
Donald R. Steinberg	Reg. No. <u>37,241</u>
Michael A. Diener	Reg. No. <u>37,122</u>
Richard A. Goldenberg	Reg. No. <u>36,891</u>
Peter M. Dichiara	Reg. No. <u>38,005</u>
Colleen Superko	Reg. No. <u>39,850</u>
Keum J. Park	Reg. No. <u>42,059</u>
Jason A. Reyes	Reg. No. <u>41,513</u>
Rajesh Vallabh	Reg. No. <u>35,761</u>
Ayla A. Lari	Reg. No. <u>43,739</u>
Janice M. Klunder	Reg. No. <u>41,121</u>
Nancy Chiu	Reg. No. <u>P43,545</u>
Henry N. Wixon	Reg. No. <u>32,073</u>

the mailing address and telephone number of each of whom is HALE AND DORR LLP, 60 State Street, Boston, Massachusetts 02109 and (617) 526-6000, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trad mark Office connected therewith.

Send Correspondence To

Shann Kerner, Ph.D.  
Hale and Dorr LLP  
60 State Street  
Boston, MA 02109

Direct Telephone Calls To

Shann Kerner, Ph.D.  
(617) 526-6192

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name sole inventor: Oliver BRÜSTLE

Inventor's signature 

Date Aug 9, 2000

Country of Citizenship: Germany

Residence:

Lindenweg 17, D-53340 Meckenheim, GERMANY



Post Office Address: Lindenweg 17, D-53340 Meckenheim, GERMANY